



**UNITED STATES PATENT AND TRADEMARK OFFICE**

In the matter of:

Applicant: MERKEL  
Serial No.: 10/018,651  
Filed: March 1, 2002

**PETITION FOR AN UNINTENTIONALLY DELAYED  
BENEFIT CLAIM UNDER 37 CFR 1.78**

September 21, 2004

Applicant herewith petitions for an order granting applicant the benefit of the priority claim set forth in the attached Declaration, Power of Attorney and Petition for a Continuation-in-Part Patent Application.

Applicant is attempting to convert the subject patent application into a Continuation-in-Part application of a patent which was pending as a pending application during the pendency of the subject application.

Applicant is attempting to do so in order to overcome a reference cited by the Examiner.

Applicant herewith states that the entire delay from the date of possible claiming or priority to the date of this Petition was unintentional.

**MAIL STOP DAC**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 9/21/04  
On \_\_\_\_\_

It is requested that any fee be debited to the account of the undersigned,

#19-4675.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743